

MELINDA HAAG (CABN 132612)
United States Attorney

DAVID R. CALLAWAY (CABN 121782)
Chief, Criminal Division

CLAUDIA A. QUIROZ (CABN 254419)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7428
FAX: (415) 436-7027
claudia.quirroz@usdoj.gov

Attorneys for United States of America

UNITED STATES OF AMERICA,)	NO. CR 15-381 (SI)
)	
Plaintiff,)	[PROPOSED] DETENTION ORDER
)	
v.)	
)	
DELJUAN BANKSTON,)	
)	
Defendant.)	

On July 28, 2015, Defendant Deljuan Bankston was charged by a federal grand jury in a single-count Indictment for being a Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1). Because the single count in the Indictment involves the possession of a firearm, the government was entitled to a detention hearing pursuant to 18 U.S.C. § 3142(f)(1)(E) so that the Court could determine whether any condition or combination of conditions would reasonably assure the appearance of the Defendant as required and the safety of any other person and the community.

This matter came before the Court on August 5, 2015 for a detention hearing. The Defendant was present and represented by Assistant Federal Public Defender Gabriela Bischof. Assistant United States Attorney Claudia A. Quiroz appeared for the United States.

U.S. Pretrial Services conducted a full bail study and submitted a report recommending release. The government moved for detention, and Defendant opposed. The parties submitted proffers and

1 arguments at the hearing.

2 The Court has reviewed the Pretrial Services report and the Indictment. Upon consideration of
3 the facts, proffers, and arguments, and for the reasons stated on the record, the Court makes the
4 following findings: (1) the Defendant does not present a risk of flight and the government has not
5 shown by a preponderance of the evidence that no condition or combination of conditions would ensure
6 the Defendant's presence as required; and (2) the Defendant is a danger to the community and the
7 government has shown by clear and convincing evidence that no condition or combination of conditions
8 can reasonably assure the safety of other persons and the community. Accordingly, the Defendant must
9 be detained pending trial in this matter.

10 The present order supplements the Court's findings and order at the detention hearing and serves
11 as written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1). As noted on
12 the record, the Court makes the following findings as a basis for its conclusion that no condition or
13 combination of conditions will reasonably assure the safety of other persons and the community as to
14 Defendant Bankston.

15 Defendant has two prior felony convictions for second-degree robbery—which are crimes of
16 violence—and one prior felony conviction for grand theft from a person. On January 14, 2009,
17 Defendant was received at the California Department of Corrections to serve a seven-year prison term
18 for his most recent robbery conviction. He was released from prison on March 2015 on parole status.
19 Defendant committed the instant offense on July 1, 2015, only four months after his release from prison,
20 and while on parole.

21 The Court is concerned with Defendant's criminal history and considers that he is a danger to the
22 community. In taking everything into consideration, the Court finds that in this case, the government
23 has shown by clear and convincing evidence that at this juncture no condition or combination of
24 conditions can ensure the safety of the community. In making this determination, the Court has looked
25 at and considered the factors set forth in 18 U.S.C § 3142(g): (1) the nature and circumstances of the
26 offense; (2) the weight of the evidence against the Defendant; (3) the history and characteristics of the
27 Defendant (including the Defendant's physical and mental condition, family ties, employment, life and
28

1 residence in the community, community ties, past conduct and criminal record, history of drug or
2 alcohol abuse, record of appearance at Court proceedings, and whether the Defendant was on
3 conditional release of any sort at the time of the alleged offense); and (4) the nature and seriousness of
4 the danger to any person or the community that would be posed by the Defendant's release.

5 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

6 1. Defendant Bankston be, and hereby is, committed to the custody of the Attorney General
7 for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or
8 serving sentences or being held in custody pending appeal;

9 2. Defendant Bankston be afforded reasonable opportunity for private consultation with
10 counsel; and

11 3. On order of a court of the United States or on request of an attorney for the government,
12 the person in charge of the corrections facility in which the Defendant is confined shall deliver
13 defendant to an authorized United States marshal for the purpose of any appearance in connection with a
14 court proceeding.

15 IT SO ORDERED.

16
17 DATED: August 14, 2015

